

REMARKS

Entry of this amendment, reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-9 and 11-18, as amended, remain pending herein.

Applicant respectfully submits that in accordance with the Patent Cooperation Treaty, and as specified in MPEP 1850, the previous restriction requirement was improper with regard to the Examiner alleging a lack of unity of invention because the Examiner applied an incorrect standard, ignoring the fact that this application is a national stage of a PCT Application PCT/IB03/03227, and Rules 13.1 and 13.2 of the Patent Cooperation Treaty should have been applied. Applicant notes that MPEP 1850 refers to 37 CFR 1.475, which states that:

an international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept.....Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, **considered as a whole, makes over the prior art.**

Please note that MPEP 1850 clearly states "[T]herefore, when the Office considers international applications as an International Searching Authority, as an International Preliminary Examining Authority, **and during national stage** as a Designated or Elected Office under 35 U.S.C. §371, PCT Rule 13.1 and 13.2 will be

followed without regard to the practice in national applications

filed under 35 U.S.C. 111" (emphasis added in boldface, italics, underlining, and increased font size).

Applicant further notes that MPEP 1850 also states "[I]n applying PCT 13.2 to international applications.....**and to national stage applications under 35 U.S.C. 371, examiners should consider for unity of invention all the claims to different categories of invention in the application and permit retention in the same application for searching and/or preliminary examination to the categories which meet the requirement of PCT Rule 13.2." Applicant also notes that in *Caterpillar Tractor Co. v. Commissioner of Patents and Trademarks*, 650 F. Supp 218, 231 USPQ 590 (E.D. Va., 1986) required the USPTO to conform with the unity of invention requirements of the PCT.**

The planar inductor of claims 1-8 and 14-16 should be examined as the examiner failed to consider the claims as a single inventive concept (PTC Rule 13.1) and a technical relationship involving one or more of the same or corresponding special technical features (PCT Rule 13.2), and having to search in more than one class or subclass is not the criteria to determine unity of invention for these claims. Therefore, Applicants respectfully request reconsideration and withdrawal of the restriction, and respectfully request the Supervisory Patent Examiner be apprised of the Restriction and our comments herein.

Claims 9, 11-13 and 17-18 stand rejected under 35 U.S.C. §112, second paragraph. Claims 9, 11-13 and 17-18 as being rejected under 35 U.S.C. §103(a) in view

of Klaus *et al.* (U.S. 5,245,307) (Klaus") in view of Tanigawa *et al.*(JP-06-053044) ("Tanigawa"). Applicant respectfully traverses these grounds of rejection for the reasons indicated herein below.

First, Applicant has addressed all of the Examiner's concerns regarding certain terminology in the Office Action regarding claims 9, 11, 13 and 18, as the claims have been further clarified.

Second, with regard to the rejections under 35 U.S.C. §103(a), Applicant has amended claim 9 to recite:

a winding having a first loop and a second loop having oppositely directed windings and a cross-conduction area therebetween having a unidirectional current path; and

a pair of power supply lines extending from opposite sides of the second loop, a first power supply line of said pair of power supply lines connected to the first loop and a second power supply line of said pair of power supply lines connected to the second loop so that a current path from the first power supply line to the second power supply line through the cross-conduction area between the first loop and second loop does not generate a magnetic field sufficient to interfere with a magnetic field of either of the first loop and second loop of the winding.

Support is found in the specification at least at page 3, lines 8-10, page 1, line 25, to page 2, line 7, and shown in FIG. 2. Applicant respectfully submits that none of the present claims would have been obvious at the time of invention over the combination of Klaus and Tanigawa.

The combination of Klaus and Tanigawa clearly fails to disclose or otherwise render obvious a winding comprising a first loop and a second loop having oppositely directed windings and a cross-conduction area therebetween having a unidirectional current path as recited in present claim 9. For example, with regard to the combination,

the partial coils 28 and 30 do not have oppositely directed windings, a cross conduction area, and first and second power supply lines arranged outside the second loop. With regard to the combination of Klaus and Tanigawa, the area between partial coil 28 and partial coil 30 does not have a cross-conduction area having a unidirectional current path. Nor do the power supply lines (4a and 4b) of Tanigawa in combination with the teachings of Klaus disclose or render obvious the recited power supply lines in claim 9 of the present invention.

Nor does the combination of Klaus and Tanigawa disclose or otherwise render obvious the claimed structure of the present invention, which advantageously reduces magnetic interference. There is no disclosure from the combination of Klaus and Tanigawa that the magnetic field of first loop and a second loop arranged as claimed in the present invention would not have a cross-conduction area in which there is no magnetic field generated in the cross-conduction area sufficient to interfere with magnetic fields of the first loop or the second loop of the winding.

Nor would any of the present claims have been obvious to a person of ordinary skill as being within the ordinary level of skill in the art at the time of invention (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

For at least the above reasons, Applicant respectfully submits that all of claim 1-9 and 11-18 are patentable. Reconsideration of all grounds of and rejection are respectfully requested. Accordingly, Applicant respectfully requests a Notice of Allowance.

Respectfully submitted,

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